

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JESSE BEN LUNA,

Plaintiff,

v.

CIV 09-0353 MCA/CG

CHARLES LINDSEY, et al.,

Defendants.

ORDER GRANTING MOTION TO AMEND
&
ADDRESSING OTHER MATTERS

After counsel entered an appearance for Plaintiff, I held a status conference on August 6, 2010. *See Doc. 49*. The parties have notified the Court that Plaintiff's motion to amend is unopposed. In light of that notice and the matters discussed at the status conference, the currently-pending proposed findings are moot and will be withdrawn.

Wherefore,

IT IS HEREBY ORDERED THAT:

1. Plaintiff's unopposed Motion for Leave to File a Second Amended Complaint (*Doc. 47*), is GRANTED;
2. The Clerk shall file the tendered Second Amended Complaint, *see Doc. 47-1*, and, hereafter, the Second Amended Complaint is the controlling document that sets forth Plaintiff's claims;
3. In accordance with the Second Amended Complaint, the Clerk shall add the following four Defendants – Eugene Martinez, Cody Martinez, Adino Castillo,

and the New Mexico Department of Corrections;

4. Also in accordance with the Second Amended Complaint, the Clerk shall indicate that the following Defendants are sued in their individual capacities only – Charles Lindsey, Aaron Vigil, Aaron Bell, Oswaldo Mora, Eugene Martinez, Cody Martinez, Celso Arango, and Adino Castillo;
5. In light of the Second Amended Complaint, the currently-pending proposed findings (*Doc. 41*) are WITHDRAWN AS MOOT;
6. The New Mexico Corrections Department will provide the last known addresses for Cody Martinez and Eugene Martinez to counsel for Plaintiff, who shall use the information only for the purpose of effectuating service on those Defendants;
7. Defendants file their answers to the Second Amended Complaint within fourteen (14) days after service by Plaintiff; and
8. Counsel for Plaintiff and Defendants will exchange initial disclosures, meet & confer, and file a Joint Scheduling Report pursuant to Federal Rule of Civil Procedure 26(f) within ten (10) days of Defendants' answers to the Second Amended Complaint.



UNITED STATES MAGISTRATE JUDGE